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To	Commissioner for Patents	Date	January 6, 2005
Company	U.S. PTO	From	Thomas A. Fairhall
Fax	1-703-305-8568	Direct	1-360-379-6514
Phone		Email	fairhall@mbhb.com
Pages, with cover	3	C/M	670/058
Re	Recission of Previous Nonpublication Request		
	S.N.: 10/812,635		
	Applicant: Brian T. Cunningham		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 (Case No. 04-051)

In re Application of:)
 Brian T. Cunningham) Group Art Unit: 2874
)
 Serial No.: 10/812,635)
)
 Filed: March 29, 2004)
)
 For: Photonic Crystal Defect Cavity Biosensor) Confirmation No. 3485

TRANSMITTAL LETTER

Mail Stop PG Pub
 Commissioner for Patents
 P.O Box 1450
 Alexandria, Virginia 22313-1450

In regard to the above identified application:

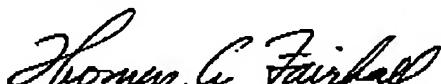
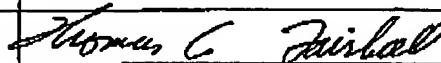
1. We are transmitting herewith the attached:
 1. Recission of Previous Nonpublication Request
2. With respect to additional fees:
 - A. No additional fee is required.
 - B. Attached is a check in the amount of \$0.
 - C. Charge the total additional fee to our Deposit Account No. 13-2490.
3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, is being submitted by facsimile to Commissioner for Patents, facsimile no. 1-703-305-8568, on this 6 day of January 2005.

By:



Thomas A. Fairhall
 Reg. No. 34,591

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RESCISSON OF PREVIOUS NONPUBLICATION REQUEST (35 U.S.C. 122(b)(2)(B)(ii)) AND, IF APPLICABLE, NOTICE OF FOREIGN FILING (35 U.S.C. 122(b)(2)(B)(iii))		Application Number	10/812635
		Filing Date	March 29, 2004
		First Named Inventor	Brian T. Cunningham
		Title	Photonic Crystal Defect Cavity biosensor
		Atty Docket Number	04-051
		Group Art Unit	2874
		Examiner	N/A
<p>A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.</p> <p>If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.</p> <p>If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).</p>			
<u>January 6, 2005</u> Date		 Signature	
<u>360 379 6514</u> Telephone Number		<u>Thomas A. Fairhall</u> Typed or printed name	
This request must be signed in compliance with 37 CFR 1.133(b).			
CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, mailing label _____ in an envelope addressed to: Mail Stop PG Pub, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile ((703) 305-8568) transmitted to the U.S. Patent and Trademark Office on the date shown below.			
Name (Print/Type)	Thomas A. Fairhall		
Signature		Date	January 6, 2005